



TOWN OF LOOMIS
ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS TOWN HALL,
6140 HORSESHOE BAR ROAD, SUITE K
LOOMIS, CA 95650

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| TUESDAY | JULY 8, 2008 | 7:00 P.M. |
| CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting. | | |
| a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Pursuant to Section 54956.9 of the Government Code: Property: - APN 044-010-014, 3665 Taylor Road (South Placer Utility District property) Agency Negotiator: Perry Beck, Town Manager Under Negotiation: price and term | | |
| b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Initiation of litigation pursuant to Subdivision (c) Section 54956.9: One potential case | | |
| TUESDAY | JULY 8, 2008 | 7:30 P.M. |

CALL TO ORDER

Call to order by Mayor Kelley at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Kelley
Councilmember Millward
Councilmember Morillas
Councilmember Scherer
Councilmember Ucovich

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. Staff was directed to put together a purchase agreement for the SPMUD building for future Town Hall.
- b. No action taken.

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich stated the following:

- complimented Darren and the Public Works department for fixing the sprinklers at Sunrise Loomis Park
- he noticed on Saunders Avenue that there were a lot of hand-made street signs and asked to put this item on the next agenda

Mayor Kelley noted the street signs have been put on their list of goals.

Councilmember Scherer noted the following:

- the Farmers Market on Sundays at the Blue Goose is growing
- it is important that the Town support this and suggested having a flyer distributed in the garbage bills to get the word out

Councilmember Millward pointed out the following:

- the Sacramento Business Journal noted that Homewood Lumber needs to move their retail and might have to move out of Town
- Gary Douplik needs the five acres for storing school rooms
- he would like to have staff research this and come back to Council to see what can be done

Following further discussion on the matter, Council directed staff to put Homewood Lumber on the next agenda for discussion.

Brian Jensen, Pacific Gas and Electric, presented Council with a plaque for joining the "Climate Smart" program.

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.

Jane Thew, 5672 St. Francis Circle, stated the following:

- she served on a PCWA task force where they looked at the ditch water system
- she brought an executive summary for the Council and pointed out that a member of the task force would come to the Council if they were interested in any more information

Randy Howard, Howard Lane, stated the following:

- every day he rides his bike to work at the Post Office
- the Southern Pacific locomotives will often be stopped and idling
- he asked if they are allowed to do it

Councilmember Millward pointed out the following:

- they are only allowed to idle for 15 minutes
- next time that happens he should call Placer County Air Pollution and report it

ADOPTION OF AGENDA

A motion was made to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

No public comment.

A motion was made to adopt the Consent Agenda pulling items 6 and 10 forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | |
|---------------------------------------|------------------|
| 1. Council Minutes – 5/19/08, 5/28/08 | APPROVE |
| 2. Monthly Check Register – June | RECEIVE AND FILE |
| 3. Statement of Activity | RECEIVE AND FILE |
| 4. Treasurer's Report | RECEIVE AND FILE |
| 5. Planning Status Report | RECEIVE AND FILE |

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|-----|---|--------------------------------------|
| 7. | Select Loomis Development Projects Update | RECEIVE AND FILE |
| 8. | Jail Booking Fee Increase | RECEIVE AND FILE |
| 9. | Animal Control Contract Amendment | APPROVE |
| 11. | Resolution of the Town Council Of The Town of Loomis Recommending to Entering into a First Amendment to the Original Agreement With Trugreen Landcare for the Landscape Maintenance Services of Magnolia Street Parking Lot and the Multi-Modal Parking Lot | ADOPT RESOLUTION Resolution 08-26 |
| 12. | A Resolution of the Town Council of the Town of Loomis Awarding to Low Bidder, Holt of California and Authorizing Town Manager to Execute an Agreement Acceptable to the Town for the Fleet Modernization Program in the Amount of \$92,255.12 | ADOPT RESOLUTION Resolution 08-27 |

CONSENT ITEMS FORWARDED

- | | | |
|----|-------------------------|------------------|
| 6. | 2008/09 Projects Update | RECEIVE AND FILE |
|----|-------------------------|------------------|

Mayor Kelley advised, regarding item 20 - "assist Placer Park & Recreation to build restrooms at King Road park:"

- 340 youth play at the soft ball fields on King Road
- 131 youth live in Loomis, but not sure how many are in the incorporated Loomis address
- the Del Oro soft ball team also uses the field in the park

Councilmember Ucovich stated the following:

- he counted about 87 youth that live in Loomis
- he would like to have staff verify the addresses to see how many live in the incorporated Loomis

No public comment.

Receive and file.

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|-----|---|------------------|
| 10. | Resolution of the Town Council of the Town of Loomis Approving the Improvements Recommended by the Traffic Safety Committee and Staff | ADOPT RESOLUTION |
|-----|---|------------------|

Councilmember Millward pointed out that the red curb in front of the depot needs to be enforced without adding "no parking signs."

No public comment.

Following further discussion on the matter, Council directed staff to eliminate item 3 (add "no parking" signs adjacent to the no parking red curb on Horseshoe Bar Road from Taylor Road to the Multi-Modal Parking Facility) and discuss with the Sheriff's department to enforce "no parking" by the red curb area. A motion was made to adopt Resolution 08-25, approving the amended improvements recommended by the Traffic Safety Committee and staff. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

PUBLIC HEARING

- | | |
|-----|---|
| 13. | <u>Montserrat Oak Mitigation and Monitoring Plan Appeal</u> Vice Mayor Scherer has submitted an appeal of the May 29, 2008 Planning Commission decision to approve the Sierra de Montserrat oak mitigation and monitoring plan. Recommended action: Based on Council's review of the report and Planning Commission's decision, determine whether or not to conduct a hearing. If Council determines that a hearing is warranted than Council can proceed to hear the appeal tonight because the appeal has been noticed or continue the hearing to another date. Another date can include a site visit if Council determines that is needed. The site visit can occur on the same date as the appeal. Public comment: |
|-----|---|

Councilmember Scherer stated the following:

- he asked for this to be heard by the Council because this is an item that will set a precedence for the Town
- this will be the first time the Town will be improving an existing area in-lieu of accepting fees to replant trees elsewhere
- the Town will be allowing someone to cut down trees and not necessarily replacing the trees
- there is a lot of questions as to how we are going to value improvement over replacement, questioned whether this proposal is adequate
- he asked that we hold a workshop and discussion of this new and unique concept to be held on Saturday when the public can attend

Mayor Kelley asked staff, regarding public input, when the process began and how much opportunity has there been for public to attend?

Kathy Kerdus, Planning Director, pointed out (regarding Montserrat Oak Mitigation and Monitoring Plan public meetings) the following:

- this was noticed for the public before the Park & Open Space meeting on November 28, 2007
- this was then noticed for the public before the Planning Commission meeting on April 15, 2008
- this was then noticed for the public for an onsite visit with the Planning Commission on May 29, 2008

Jean Wilson, 4301 Barton Road and Planning Commissioner, stated the following:

- there are no Town funds involved whatsoever, except whatever is not mitigated for by planting onsite
- the proposal is to replant onsite and do restoration/re-vegetation, and only if those are not feasible then they would allow in-lieu fees
- staff worked over a month to find dates and times to get Council and Planning Commission together for an onsite public meeting
- she noted that public meetings starting at 6:30 p.m. have worked well with the Planning Commission meetings and have been well attended

Greg Obranovich, 3661 Bankhead Road and Planning Commissioner, stated the following:

- a precedent was not set, it was a change of direction on a particular issue
- every effort has been made to accommodate as many people as possible to attend the public meetings and there is always information available to properly inform anyone who may ask for information

Marilyn Jasper, 3921 Don Drive speaking on behalf of Sierra Club Placer Group, stated the following:

- this appeal should be heard because they are concerned with the Sierra de Montserrat tree mitigation plan and submitted comments
- the plan has little enforcement value, especially where wildlife is concerned
- they understood that some of the wildlife water sources that were previously used have dried up and other water sources are being piped, and that needs to be addressed
- wildlife blockage needs to be addressed
- the Town needs to have their own independent biological assessment of the tree plan

Gary Liss, 4395 Gold Trail Way, pointed out the following:

- the public have not had the opportunity to review data and evaluate the merits and desirability to the Town of the economic consequences
- he would like to see an economic analysis considered in a public hearing with staff recommendations of what the numbers really are

Kim Fitke, 4920 King Road, stated the following:

- she is in favor of the appeal and has some reservations about the methodology that was used with this plan, it needs to be carefully looked at to see if the proposal adequately mitigates for the loss of the trees
- with the amount of public concern that has been expressed she suggested having further public review before a decision is made

Pat Miller, 4395 Gold Trail Way, stated the following:

- there are unanswered questions and issues that need to be settled with the appeal
- she served on the Open Space Committee and funding open space was always an issue, and this will affect the amount of money that is available for open space
- we should know exactly what we are giving up
- the enhancement program will only benefit individual owners that live there and others that enjoy rural Loomis will not be welcome there

Jean Wilson stated the following:

- North Fork, Riley Swift (Restoration Resources), the Town Arborist, and the Wildlife Heritage Foundation all agreed that it is a good plan
- County Supervisor Bob Weygandt, who has been working on Placer Legacy, highly recommended the plan
- Loren Clark, Placer County Assistant Planning Director, who is working on the County Tree Ordinance and with Placer Legacy, studied the plan and highly recommended it
- the public hearings were well attended
- most of the fencing is along the conservation easement line
- we are gaining 160 acres of preserved habitat that will be taken care of and the Town is not paying for that

Randy Elder, 6215 South Walnut Street, stated the following:

- the Planning Commission has been very thorough
- there were numerous public meetings for citizens to attend
- Council should not micro manage the Planning Commission
- this is a very good plan and suggested Council deny the appeal

George Phillips, Westwood Homes Land Use attorney, stated the following:

- there have been legally noticed public hearings in Town Hall and in the field where this item was thoroughly discussed and where public testimonies and questions were answered
- the testimonies given tonight were heard before the Planning Commission, they received the information and chose to make a decision
- urged Council to see the value, merit and effort that was put into the Planning Commission's decision
- you have an approved project that has met the conditions of approval, met the mitigations measures, the project has gone far beyond what they need to do, and there have been testimonies supporting the plan

Councilmember Scherer stated the following:

- this is setting a precedence, this is the first time we are not clear on the fees that we are waiving or the valuation of the habitat improvement
- if we deny the appeal we are not providing every opportunity for public participation
- he asked Council to hold the appeal and to do our best to improve this plan and to preserve the things that this community values
- asked the Council to do what the people who elect us have come here and asked us to do tonight

Councilmember Ucovich stated the following:

- we don't know what the value of the mitigation is or the value that the Town has imposed by ordinance for trees
- he likes the project but questions if the town is getting it's money's worth
- we don't have the data that we need to make a good judgment on this plan
- he questioned some of the fencing around some of the preservation areas that will not allow wildlife to go through
- this is a policy issue that needs to be brought to the Council

Councilmember Morillas stated the following:

- she was asked if she could make several onsite meeting dates and several Council could not make it so the Planning Commission had an onsite meeting
- the Planning Commission worked hard on this plan and she upholds their decision

Councilmember Millward stated the following:

- everyone that spoke tonight were also at the Planning Commission meetings except for Kim Fitke
- everyone had an opportunity to speak at the Planning Commission meetings
- the Town isn't losing any money because they don't have to pay money if they plant trees or restore
- he attended all the Planning Commission meetings, they did a wonderful job and he agrees with their decision

Mayor Kelley stated the following:

- the Planning Commission spent a lot of time, they had a lot of public input, and did an excellent job
- this plan has a mechanism that will monitor this and make sure that it will work
- we will monitor and make sure it is done right
- this is one of the best programs that we have and it has been well thought out

Following further discussion on the matter, a motion was made to "not hear the appeal."

Discussion on the motion:

Councilmember Scherer pointed out the following:

- the motion is consistent with the letter that was sent from the developer, suggesting that we not hear the appeal
- this is a precedent plan and a precedent motion
- this is the first time that any Council, of the Town of Loomis, will have denied the public the right to have a decision made by their Council

Councilmember Ucovich stated the following:

- we do not have any data showing what the fees of this development, through our tree mitigation program, are and what the value of their mitigation measures are
- because we do not have that information we should hear the appeal

On motion by Councilmember Millward, seconded by Councilmember Morillas and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas

Noes: Scherer, Ucovich

Recess at 9:13 p.m. to 9:23 p.m.

BUSINESS

14. Brace Ranch Estates Drainage Plan Appeal

Cheryl Benson and others, who own property abutting Brace Ranch Estates, have submitted an appeal of the June 15, 2008 Planning Commission decision to change an agreed upon piped drainage system back to an open waterway as originally approved on the Brace Ranch subdivision map

Recommended action: Based on Council's review of the report and Planning Commission's decision, determine whether or not to conduct a hearing. If Council determines that a hearing is warranted, schedule an appeal hearing date that can include a site visit if Council determines that is needed. The site visit can occur on the same date as the appeal hearing.

Public comment:

Jean Wilson stated the following:

- One of the Planning Commission's main concern was preserving the trees onsite particularly toward the southern end
- the Town arborist pointed out that putting a pipe in there would mean digging larger trenches and seriously impact the trees
- if there is new evidence (bamboo growth) and modifications to be made then this could be sent back to the Planning Commission to re-look at it and worked out with the owner and the neighbors

Dave Hood, the developer, stated the following:

- he is committed to make sure everyone is happy with this project
- the homeowners are responsible for maintenance (of the bamboo) and it will be dealt with when homeowners are there
- this has been thoroughly gone through with the Planning Commission but he is more than happy to go through it again with the Council

Cheryl Benson, 5515 Brace Road, stated the following:

- the drainage has always been an issue
- now there is a v-ditch that is full of weeds and about 75 bamboo growing through the middle of it
- we need to go back to the original plan of piping the drainage

Bill Mitchell, original engineer on the project, stated the following:

- if we went to the pipe alternative then we could lose the trees
- the pipe will just take care of nuisance water
- he supports the Planning Commission's decision

Madeline Coles, 5470 Brace Road, stated she was in favor of having an appeal.

Greg Obranovich, stated the following:

- he believes this is a reasonable appeal
- their decision was based on a discussion with engineering on which would be a better ditch for this project
- it sounds like the issue is the bamboo, which was not thoroughly addressed at the Planning Commission
- questioned if this could be handled with staff to come to a decision on the best solution

Following further discussion on the matter, a motion was made to schedule an appeal on this item for August 12, 2008. On motion by Councilmember Scherer, seconded by Councilmember Millward and passed by voice vote.

15. Morgan Estates Appeal

Mayor pro tempore Scherer has submitted an appeal of the June 15, 2008 Planning Commission decision to approve the Morgan Estates subdivision

Recommended action: Based on Council's review of the report and Planning Commission's decision, determine whether or not to conduct a hearing. If Council determines that a hearing is warranted, schedule an appeal hearing date that can include a site visit if Council determines that is needed. The site visit can occur on the same date as the appeal hearing.

Public comment:

Councilmember Scherer stated the following:

- this is the first time we have done a clustering plan, this is a good plan but it could be better
- he had several people ask to have some issues brought before the Council
- the Council would benefit from the discussion and this is a good opportunity to discuss the policies the Town will be using

Al Green, 5230 Saunders Avenue, stated the following:

- he lives close to Morgan Estates
- he disagrees with the appeal
- Morgan Estates has gone from 10 units to 8 units, the homes will be set back, this is the best plan for that area
- Sandy Duncan Campbell and Lynn Coil live next to the proposed project and support the Planning commission's decision
- he supports the Planning Commission's decision

Jean Wilson pointed out the following:

- there is a wetlands delineation and a preliminary drainage plan with this project
- any chemicals introduced into the tributaries will also be addressed in the drainage plan, the engineers are required to do Best Management Practices and things that help to keep the chemicals out of the wetlands
- this plan also provides an extra buffer facing the wetlands
- the open space conservation will be under the Homeowners Association
- this was recommended by the Open Space Commission
- the neighbors that had concerns, have been satisfied

Kim Fitke stated the following:

- she was on the Open Space Committee when this project came to them
- she is extremely disappointed that the open space will be managed by the Homeowners Association
- if the homeowners don't care about preserving the wetlands and open spaces then they will not enforce it
- she begged Council to start accepting conservation easements

Bill Mitchell, engineer for Morgan Estates, stated the following:

- they are willing to give the open space to the Town
- there is a 2 ½ acre area that would make a nice Town park
- he urged Council to deny the appeal

Councilmember Morillas asked if Council needs to have an appeal to accept a park?

Perry Beck, Town Manager, said yes.

Councilmember Scherer pointed out that the purpose of the appeal is:

- to decide if the Town wants an irrevocable offer of dedication for the open space
- or to take it in fee title
- to decide if they want to use it as a park
- the Council is the only body that can decide these issues, not the Planning Commission

Mayor Kelley reiterated that the issue at hand is that only the Council can accept the property and no one else.

Following further discussion on the matter, a motion was made to accept the appeal and schedule it for the August 12th Council meeting. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Kelley, Millward, Scherer, Ucovich

Noes: Morillas

16. Del Mar Avenue Improvement Plans

Mayor pro tempore Scherer indicated that residents along Del Mar Avenue are apprehensive regarding road improvements being planned.

Recommended action: Discuss and give direction as to what Council wishes to do.

Public comment:

Nancy Banning, 3732 Del Mar Avenue, stated the following:

- she understood the road was going to be made wider
- just re-servicing Del Mar and leaving the speed bumps would be fine
- replacing culverts along the road is fine

Cindy McCayle, 3988 Del Mar Avenue, stated the following:

- the bridge is not a bridge, it is a culvert pipe
- the road is dipping again over the culvert
- she would like it to be closed

Charly Brown, 3300 Del Mar Avenue, stated the following:

- he agrees that Del Mar Avenue is wide enough except for walking traffic
- it is not necessary to do a lot of improvement

Barbara Brown, 3300 Del Mar Avenue, stated the following:

- she doesn't think Del Mar Avenue should be widened
- she doesn't want to lose the speed bumps, that is the only thing that has slowed the traffic down

Bob Deloia, 3827 Del Mar Avenue, stated the following:

- the speed bumps have slowed traffic down
- years ago, after many studies, the recommendation was to close the road
- in order to protect our rural atmosphere, from Rocklin's new developments, we will need to close the road

Dave Dalli, 3816 Del Mar Avenue, stated the following:

- he has fought for years to keep the road safe
- he does not want the road fixed
- the speed bumps have helped
- the road needs to be closed at the Rocklin border

Kim Fitke stated the following:

- the speed bumps are helpful but not enough
- the money would be better spent closing the road then doing the improvements
- there are other areas in Loomis that could use the improvements
- she would like to keep the rural character by having narrow roads, open ditches, no curbs or gutters and minimize any improvements

Randy Lacki, 3827 Del Mar Avenue, asked Council to close the road so they can walk safely.

Following further discussion on the matter, Council directed staff to come back with more information on the Del Mar Avenue improvements.

17. Select Rocklin Development Projects Update

Discussion on the updates for the Rocklin Lowes and Rocklin Crossing projects, the Rocklin Sneechee property, and projects along Sierra College Boulevard

Recommended action: Discuss and give direction as to how Council wishes the Council sub-committee to proceed.

Public comment:

Continued to August 12, 2008.

18. Heritage Park Subdivision Reversion to Acreage

The Heritage Park Subdivision is currently in foreclosure proceedings and the Council may wish to consider initiating a reversion to acreage process.

Recommended action: Discuss and direct as to how Council wishes to proceed

Public comment:

Councilmember Millward left the room, due to conflict of interest.

No public comment.

Following further discussion on the matter, a motion was to proceed with initiating a reversion to acreage process and to schedule for the next Council meeting. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas, Scherer, Ucovich

Noes: None

19. Open Space Committee 2 Recommendations Review

At the February 2008 joint meeting of Planning Commission and Park & Open Space Commission the Council developed work plan goals for the Park & Open Space Commission that included a Council review of recommendations from Open Space Committee 2 to determine which to submit to the Park & Open Space Commission as matters to include in the work plan.

Recommended action: Approve Park & Open Space Commission 2008/09 work plan and determine which Open Space Committee 2 recommendations to include.

Public comment:

Continued to August 12, 2008.

20. Appoint Voting Delegate To League Conference

The League Conference in September 2008 will involve League business and cities are asked to appoint voting delegates to conduct that business.

Recommended action: Appoint a voting delegate and alternate to act on behalf of Loomis at the annual business meeting.

Public comment

No public comment.

Following further discussion on the matter, a motion was made to appoint Councilmember Millward as the voting delegate and Councilmember Morillas as the alternate. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

21. Depot Equipment and Furnishings

Consider various kinds of equipment and furnishings that will be needed when the Loomis Depot is finished.

Recommended action: Direct staff to obtain information and costs on the equipment and furnishings listed as presented or as may be edited by the Council

Public comment:

Continued to August 12, 2008.

22. Change Order For Depot Project

Consider change order for exterior siding, electrical, and plumbing on the Depot project.

Recommended action: Approve

Public comment:

Gary Liss suggested looking at other used building material places first, before buying new siding.

Pat Miller suggested if there is not enough old wood to make a whole wall then suggested making something completely different out of the old wood as a commemorative item.

Council discussed the following:

- eliminate all the interior walls and do tenant improvements at a later date, if needed
- regarding the siding – preserve as much of the old wood to be put on the front of the depot, if possible
- change order for depot project in an amount not to exceed \$50,000
- install electrical and plumbing to have ready for a future sink and an HVAC system in room 106, if needed

Following further discussion on the matter, a motion was made to allow up to \$50,000 to be applied to electrical, plumbing, and siding as discussed above. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

COMMITTEE REPORTS

23. Placer County Economic Development Commission – Ucovich
24. Placer County Flood Control/Water Conservation District – Morillas
25. Placer County Transportation Planning Agency – Kelley/Millward
26. Placer County Mosquito Abatement – Ucovich
27. Placer County Air Pollution Control District – Millward/Ucovich
28. Placer County Community Services Commission - Millward
29. Sacramento Area Council of Governments – Scherer/Kelley
30. Placer Land Trust ex-officio representative - Scherer

ADJOURNMENT

Mayor Kelley stated there was no further business and adjourned at 11:55 p.m.



Mayor

Town Clerk